

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 20417  
of Thurlow O. McCoy and Cora W. McCoy  
to Appropriate from Escondido Canyon  
(Underflow) in Los Angeles County

Decision D 1127

ADOPTED APR 4 1963

DECISION APPROVING APPLICATION

Application 20417 for a permit to appropriate unappropriated water having been filed; protests having been received; a public hearing having been held in Los Angeles, California, on October 24, 1962, by the State Water Rights Board before Board Members Kent Silverthorne, Chairman, W. A. Alexander and Ralph J. McGill; the applicants and those protestants appearing having submitted evidence; and the Board, having considered same and now being fully advised in the premises, finds as follows:

1. Application 20417 is for a permit to appropriate 0.031 cubic foot per second (cfs) or 20,000 gallons per day (gpd), year-round, for irrigation and domestic purposes from Escondido Canyon (underflow) in Los Angeles County. The point of diversion is located within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 29, T1S, R18W, SBB&M.

2. Escondido Canyon rises on the southerly slopes of the Santa Monica Mountains and extends southerly approximately 3.5 miles to the Pacific Ocean. The applicants' point of diversion is approximately 2.5 miles upstream from the ocean, there being approximately 0.62 square miles of drainage area above the point of diversion at elevations ranging from 2,300 feet at the drainage divide to 900 feet at the point of diversion.

3. The applicants request a permit to cover pumping from two existing wells located adjacent to the streambed in Escondido Canyon. Water is pumped to three regulating tanks located on the higher slopes of the canyon and is distributed by gravity from the tanks for the irrigation of trees, shrubs and plants covering approximately 45 acres, 4 acres of garden, and for domestic use at two mobile homes and a camp trailer, all within the watershed of Escondido Canyon. At the time of the hearing applicants revised their estimate of maximum use from the 20,000 gallons per day set forth in their application to 10,000 gallons per day.

4. Eight protestants to the application are located along a reach of Escondido Canyon commencing approximately 1,000 feet below the applicants' point of diversion. They pump from wells, principally for household use with some irrigation of gardens and shrubbery and stockwatering under claimed riparian and pre-1914 rights and pursuant to licenses.

5. Water flows on the surface in Escondido Canyon throughout the year in places, but in other places the flow is entirely subsurface except during and immediately after storms. On July 17, 1962, the surface flow immediately above the applicants' point of diversion was 0.037 cfs (24,000 gpd), and an estimated 0.03 cfs (19,000 gpd) surface flow was entering the canyon approximately 400 feet downstream from that point.

6. The watershed above the applicants' point of diversion is approximately 32 per cent of the total watershed which contributes to the supply of the protestants.

7. Water-bearing alluvial materials deposited in Escondido Canyon are at the most 200 feet wide and approximately 20 to 30 feet thick. A channel has been incised in this bed, thus reducing the area in which underflow can occur to an average thickness of 4 feet, and ranges from a maximum of 6 feet at the applicants' wells to less than 2 feet at the well of the lowermost protestants, Denham and DeBell.

8. The well of the protestants DeBell and Denham is located near the southern boundary of Section 28, T1N, R18W, and near the lower boundary of the water-bearing sediments in Escondido Canyon. After penetrating these sediments, the well enters a non-water bearing formation. A lowering of the water table below streambed elevation would decrease the production of this well to a greater extent than it would decrease the production of the wells of the other protestants. Water surplus to the needs of all of the protestants occurs when water is flowing or standing in pools in the streambed in the vicinity of the DeBell well.

9. At all times except during the summer and fall of 1961 there has been water flowing or standing in the streambed near the DeBell well, and on July 17, 1962, when the applicant was diverting, there was a surface flow of approximately 0.25 cfs (161,500 gpd) at this point.

10. There is unappropriated water available to supply the applicants, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

11. The intended uses are beneficial.

12. The permit issued pursuant to Application 20417 should contain a provision that diversion of water under the permit shall be limited to such times as water is flowing or standing in the streambed at or near the south boundary of Section 28, T1N, R18W, SBB&M, but that this provision shall not be construed as placing a limitation on any riparian right permittee may have to the water of Escondido Canyon.

13. The permit should also contain a term stating that water diverted under the permit shall not be in addition to such water, if any, as permittees may be authorized to use from the same source and place of use authorized by the permit by virtue of a riparian or other right.

From the foregoing findings the Board concludes that Application 20417 should be approved and that permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

IT IS HEREBY ORDERED that Application 20417 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 10,000 gallons per day by direct diversion to be diverted year-round. The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1966.

4. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

6. Permittees shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

7. Diversion of water under this permit shall be limited to such times as water is flowing or standing in the bed of Escondido Canyon at or near the south boundary of Section 28, T1N, R18W, SBB&M. This condition shall not be construed as placing a limitation on any riparian right to the water of Escondido Canyon that may be held by the permittees.

8. Water diverted under this permit shall not be in addition to such water, if any, as permittees may be entitled to use from the same source on the place of use authorized by this permit by virtue of a riparian or other right.

Adopted as the decision and order of the State Water  
Rights Board at a meeting duly called and held at  
California, on the                      day of                      , 1963.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member